IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 4567 of 2004

Mr. Rajendra Popat Kamble .. Petitioner.
V/s.
State of Maharashtra and ors. .. Respondents.

Mr. A.M. Joshi for the Petitioner.
Mr. A.R.S. Baxi for the Respondent No. 3.
Mr. R.D. Rane, AGP. for the Respondent Nos. 1 and 2.

CORAM : S. RADHAKRISHNAN &
DR. D.Y. CHANDRACHUD, JJ.
DATED : 24.11.2004.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondent Nos. 1 and 2. By this Petition, the Petitioner is challenging the order dated 14.2.2003, whereby the Education Officer has stayed the approval granted to the Petitioner's appointment, by letter dated 21.12.2002. The said approval has been granted with effect from 11.1.1999. It appears that the stay has been granted only on the ground that there was some complaint from the President.

2. We have perused the Affidavit-in-Reply filed on behalf of the Deputy Education Officer (Secondary), Zilla Parishad, Solapur dated 15.10.2004, wherein in paragraph 1, in unequivocal terms it is stated that the proposal for granting approval was sent by the Head Master to the Respondent No. 2 -Education Officer (Secondary) Zilla Parishad, Solapur on 20.12.2002. The Respondent No. 2 had duly accorded approval to the appointment of the

Petitioner by letter dated 21.12.2001 with effect from

11.1.1999. There is no dispute that the Petitioner is employed with the Respondent No. 2 School. Under these circumstances, there is no question of granting any stay to the approval already granted. Rule is made absolute, whereby the impugned order dated 14.2.2003 stands quashed and set aside.

(S. RADHAKRISHNAN, J.)

(DR. D.Y. CHANDRACHUD, J.)